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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ABELSON, RONALD B

ART UNIT

PAPER NUMBER

2663

DATE MAILED: 10/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

AB

Office Action Summary

Application No.

09/387,948

Applicant(s)

NOGUCHI, SACHIKO

Examiner

Ronald Abelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-11, 13-17, 19, 20 and 22-24 is/are rejected.
- 7) ☒ Claim(s) 4, 12, 18 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-3, 5, 6, 8-11, 13, 14, 16, 17, 19, 20, and 22 -24 are rejected under 35 U.S.C. 102(e) as being anticipated by White (US 6,069,890).

Regarding claim 9 and 22, White teaches a method and apparatus for a voice gateway ^(fig 4 box 104) interconnecting IP networks with other networks for voice communication (fig. 4 ~~see connection~~ box 10²~~6~~ and 106). The gateway comprises a call-setup request (fig. 5 box 128), transmits a destination inquiring message to a

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predetermined gateway (forwards the digits to the Internet address database, fig. 4 box 112, col. 9 lines 11 - 29), and after receiving a destination determination message (fig. 5 box 138, col. 9 lines 30 - 41) from a destination voice gateway, performs a call setup (fig. 5 box 158, col. 9 lines 59 - 64). The system also contains a computer medium storing program code for controlling the voice gateway (fig. 10 box 669)

Regarding claim 17 and 23, in addition to the limitations listed in claim 9 and 22, White teaches a route selection table (fig. 4 box 112, col. 9 lines 11 - 29), that indicates a correspondence between steering numbers / telephone number and transport addresses / IP addresses (col. 9 lines 11 - 41).

Regarding claims 1 and 24, in addition to the limitations listed in claims 9, 17, 22, and 23, White teaches a first voice gateway for accommodating node of networks other than IP networks (fig. 4 see connection between box 107 and 104) and a second voice gateway for delivering information about the route selection (fig. 4 box 112).

Regarding claims 2 and 10, transmitting a steering number and transport address (fig. 5 box 140, col. 9 lines 30 - 41).

Regarding claims 3 and 11, in addition to the limitations listed in claim 9, a recording part / Internet address database (col. 9 lines 11 - 41).

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Regarding claims 5, 13 and 20, a quick-call-set-up (see limitations for claims 9-11), and a transmitting part which, in a case the setup fails performs setup towards the destination transport address, transmits the destination inquiring message to the predetermined voice gateway (SSP capabilities, fig. 4 box 162, col. 9 line 65 - col. 10 line 20).

Regarding claims 6, 8, 14, 16, and 19, updating/deleting the relationship between the steering number and transport address is inherent in the system just as in a PSTN system the telephone book is updated every year.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 7 and 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over White as applied to claims 1 and 9 above, and further in view of Cruickshank (US 6,389,005).

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In addition to the limitations listed in claim 9, White teaches receiving a failure message (SSP capabilities, fig. 4 box 162, col. 9 line 65 - col. 10 line 20).

White fails to teach an alternate-call-set-up part that selects another network if call setup on the IP network fails.

Cruickshank teaches an alternate-call-set-up part that selects another network if call setup on the IP network fails (col. 2 lines 18 - 30).

Therefore it would have been obvious to one of ordinary skill in the art, having both White and Cruickshank before him/her and with the teachings [a] as shown by White, a method for directly setting up a VOIP connection, and [b] as shown by Cruickshank, an alternate-call-set-up part that selects another network if call setup on the IP network fails, to be motivated to modify the system of White by allowing for an alternate set-up connection if the Internet set-up connection is not available. This modification can be performed in software by integrating the various medium (PSTN, Internet) as described by Cruickshank. This would improve the system of White by improving the probability that the call set-up will be successful.

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Allowable Subject Matter

5. Claims 4, 12, 18, and 21 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 4 and 12, nothing in the prior art teaches or fairly suggests recording a destination transport address and destination steering number in a route selection table only when the traffic meets a predetermined traffic requirement, in combination with the other limitations listed in the claim.

Regarding claim 18 and 21, nothing in the prior art teaches or fairly suggests recording when the steering number and transport address are recorded, in combination with the other limitations listed in the claim.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Abelson whose telephone number is (703) 306-5622. The examiner can normally be reached on M-F.

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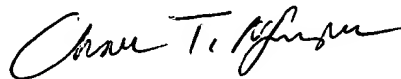
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703) 308-5340. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.


Ronald Abelson
Examiner
Art Unit 2663



September 30, 2002



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